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## GOVERNOR'S MESSAGE,

DELIVERED MAY 8, 1845.

*Fellow Citizens of the Council,*

*And of the House of Representatives :*

Since the last meeting of the Legislative Assembly, the people of the Territory have had renewed cause of gratitude to the Most High, for the many and great blessings with which he has favored them, and especially for the general prevalence of health and abundant supplies of the necessaries and comforts of life.

The tide of emigration continues to pour into our favored land a numerous and intelligent population from almost every state of the Union, and you enjoy a high and proud privilege in representing in the law making department of the territorial government, a people of whom it may be justly said, that in proportion to their numbers, they possess as much intelligence, morality, and religion, as any other within the wide limits of the national sovereignty. It gives me pleasure to inform you that the laws have been duly administered and the duties of the public functionaries faithfully performed.

The act of the Legislature of the 12th of February, 1844, "to provide for the expression of the opinion of the people of the territory of Iowa upon the subject of a state Constitution for the state of Iowa" resulted, as you know, in the vote of a majority in favor of a convention, and delegates to form a Constitution having been elected in conformity to the provisions of the act, they assembled at the Capitol in November last and

performed the duty assigned them. The Constitution as it came from the hands of the convention was presented to Congress at the last session, and an act was passed by that body for the admission of Iowa into the Union as a state, upon certain conditions, among which was our acceptance of a boundary so greatly curtailing on the North and West the limits of the proposed state, as included in the boundary adopted by the convention, as to cause very general dissatisfaction among the people of the territory—indeed such is the general repugnance to the boundary offered us by Congress, that I believe it will with great reluctance be acceded to at any time.

The vote taken at the election in last month for and against the Constitution, in conformity to the provisions of the act of the 12th of February, 1844, to which I have before referred, tho' not yet officially ascertained, has certainly resulted in the rejection of that instrument, and there is reason to believe that the boundary offered us by Congress had much influence in producing that result. The rejection of the Constitution by the vote of the people will impose upon you the necessity of further legislation preparatory to presenting anew to Congress our claims to admission into the Union.

The opinion prevails with many of our fellow citizens, that at present, and under existing circumstances, a majority would prefer to remain under the territorial government to incurring the responsibilities and expenses of a state government; and a proper respect for the respectable minority who voted against the convention last year, and the well known fact that many who voted for it have since changed their opinion, would seem to justify, if not require, that the question be again submitted to the people, whether or not they will at this time have a convention, especially as no time will be lost in again presenting our claims for admission into the Union, if the majority should at the next August election vote for a convention. And in that case the course pursued under the act of 12th February, 1844, would bring us to the same result, in time to present the constitution to the new Congress at its first session.

The contested boundary between the state of Missouri and this territory, has recently produced consequences greatly to be regretted. Two individuals, the sheriff and deputy sheriff of the county of Adair, in Missouri, which has been so organized as to embrace a part of our county of Davis, have been indicted in that county—the sheriff for exercising his office within our boundary, without legal authority and contrary to our statute, and the deputy for arresting in Davis

County and falsely imprisoning a citizen of this territory. In the latter case a trial was had at the last term of the district court in that county, which resulted in a conviction and sentence of fine and ten days imprisonment in the Penitentiary. The trial of the sheriff was continued until the next term of the court, and upon his refusal to enter into recognizance (without security) for his appearance, the court ordered him to be committed to prison. The moment I received such information in relation to these transactions as I could rely upon, I pardoned Linder, (the convicted deputy sheriff) and remitted his fine, and, at the same time pardoned Mullinix, the sheriff, the offence for which he stood indicted, and directed the officer having him in charge to release him. There can be no doubt that these men in the commission of the offences against our laws, for which they were indicted, acted under the authority of the state of Missouri, and in what they considered the discharge of their official duty, and hence, as well as to satisfy the authorities of Missouri, that we are by no means disposed to prosecute this unfortunate controversy in a vindictive spirit, I deemed it my duty to relieve their citizens from the difficulties into which they had fallen. This controversy is to be regretted not only for the immediate and probable effects of it; but because the territorial government has no power to adjust it or join in the submission of it to a competent tribunal: Congress, by an act entitled "An act respecting the northern boundary of the state of Missouri," approved June 17th, 1844, authorized the state of Missouri, if her Legislature thought proper to assent to the provisions of the act, to appoint one commissioner, and the territorial authorities to appoint one, and authorized the two so appointed to select a third, to act with them in the adjustment of the controversy, and the Legislature of Missouri, as I learn from a copy of the message of the Governor of that state, passed an act to carry into effect the act of Congress, but the Governor declined to approve it and returned it with objections to its passage, and I have understood (though not officially informed of it) that the measure failed, so that the controversy remains as it stood before the passage of the act of Congress. I send you a copy of a letter which I addressed to the Governor of Missouri, on the occasion of the discharge of the individuals prosecuted in Davis county, and respectfully recommend that you take the lead in applying to Congress to make provision for an immediate legal adjustment of the controversy. Until it can be finally settled there will be constant danger of collision between the authorities of Missouri and those of this territory, and citizens holding offices under either government will be subject to much inconvenience and

possibly to injury for the discharge of what they are constrained to consider their official duties. The territorial government has no power to surrender the disputed territory, if they were disposed to do so, (which they certainly are not;) it has been committed to us by the General Government, and we have at all times exercised jurisdiction over it—to abandon it therefore would be a dereliction of duty not only to the government of the United States, but to its inhabitants, who claim to be citizens of this territory, and demand the protection of its laws. Some years ago this controversy came very near producing armed hostilities between the state of Missouri and this territory. My predecessor in office on that occasion, called a portion of the Militia into service to protect our citizens resident within the disputed tract of country against the exercise of the jurisdiction of Missouri over them. In doing so he acted in the discharge of a duty which evidently resulted from the relation in which the territory stands to the government of the Union, but it would seem from the repeated refusals of Congress to provide for the payment of the officers and men called into service on that occasion, that the effort then made to sustain the right of the United States against the claim of Missouri, was not considered as authorized, and hence it may reasonably be feared that our citizens would with great reluctance perform a service which receives neither money nor thanks, from those for whom it would be rendered. But it is hoped that a necessity will not again occur for putting their patriotism to such a test. The idea of a resort to arms between neighbors, citizens of the same government, in such a controversy cannot be tolerated, but in a case of extreme necessity. I respectfully submit the subject to your consideration and recommend that such measures may be adopted, as you may consider best calculated to protect our citizens resident within the disputed boundary against the necessity of submitting to the laws of two distinct and independent governments, and of being held liable to be punished for resistance to either, and by both for the same offence against the penal laws common to both.

Our Indian neighbors within the Iowa superintendency have conducted themselves with more than ordinary propriety during the last winter and present spring. The Sacs and Foxes, with a few exceptions among the latter, give strong assurance of their intention to remove next autumn from the western part of the lands ceded by them to the United States, by the treaty of October, 1842. Their removal will open an extensive fertile and beautiful portion of the territory to immediate settlement, and subject it to the laws of the territory. I would therefore respect-

fully recommend that provision be made by law for attaching it, prospectively, to the adjacent organized counties for judicial and other purposes.

In November last the government of the United States made a second unsuccessful effort to induce the Winnebago Indians to relinquish the Neutral Ground, and take up their residence in some part of the country appropriated to the use of the Indian tribes removed by government from within the limits of the States. This policy of the Government in reference to the Indians, however injuriously it may seem to operate in some particular instances, is for the most part humane and wise, and considered in reference to the present condition and future prospects of the Winnebagoes, is peculiarly so. The large annuities paid by government, and the insufficiency of the laws enacted for their protection against the avaricious feelings and demoralizing practices of the whites, doom them, (unless speedily relieved,) to become the certain victims to that rage for intoxicating drinks, to which the indolent and irregular habits of the Indian race render them peculiarly liable. They have become perhaps the most degraded of all the western tribes—they have no longer the habits of the Red Man—the chase is almost abandoned, and their council fires, if kindled at all, seem only intended to light up the wretched scene of their drunkenness and debauchery. The money and provisions furnished them by government, would render them entirely independent of any of those casualties affecting the means of living of the most favored communities, but so long as they are supplied with liquor by the abandoned and profligate scoundrels engaged in this most nefarious traffic, they will continue to diminish in numbers, and to descend, if possible, into still lower depths of degradation. Neither a regard for the comforts of the Indians themselves, nor the peace and safety of the white population residing near them, seem to impose the least restraint upon those abandoned and unprincipled men, while the immense profits accruing from the successful prosecution of their trade, furnish the ready means of defraying the pecuniary penalties imposed by law, and leave an ample remuneration for their most philanthropic labors. I have continued to urge upon your consideration, at each successive session, the importance of further and more severe legislation upon this subject, and I now again respectfully suggest the propriety of such additional legislation as will restrain the practices referred to. The consequences resulting from the continuance of this traffic are shocking to humanity and disgraceful to a christian people. We have undertaken the guardianship of this unfortunate race, and are responsible for its faithful execution, and I know no reason

why the persons, as well as the purses, of this class of offenders should not be reached, if necessary, for the attainment of the object.

Our statutory code seems to be satisfactory to the people, and I am not aware that any material changes in it are necessary. No provision has been made for the publication of the acts of the extraordinary session of the Legislature, held in the month of June of the last year. I beg leave, therefore, to suggest the propriety of their publication with the acts of the present session.

The appropriation made last year by Congress for the expenses of your session was made subject to the payment of arrearages of expenses of previous sessions, and has been so far applied to that purpose as to make it necessary that your present session should be a short one, to bring the expenses of it within the amount remaining in the hands of the Secretary for their payment, and I earnestly recommend that it may not be exceeded. The creation of demands against the territory, for the payment of which the treasury affords no means, under the expectation (which may be disappointed) that Congress will provide for them, is productive of great inconvenience to those to whom they are payable, and ought to be avoided. I therefore respectfully recommend despatch in the performance of your duties, and beg leave to assure you of my readiness to co-operate with you in any measures tending to the promotion of the general good.

I am very Respectfully

Your Ob't. Serv't,

JOHN CHAMBERS.

Iowa City, May 5th, 1845.

(COPY.)

EXECUTIVE OFFICE, BURLINGTON, IOWA, }  
April 19, 1845. }

SIR—

I have this moment learned with deep regret that a citizen of Missouri, known by the name of William P. Linder, has been tried and convicted in the county of Davis in this Territory, upon an indictment for an assault and battery, and kidnapping and falsely imprisoning one Frederick Achison, a citizen of this territory, and that the charges involve a question of jurisdiction of the tract of country claim-



ed by Missouri within the assigned limits of Iowa. Mr. Linder, as learn, justifies the arrest which gave rise to the prosecution against him, under legal process issued by authority from the county of Adair in Missouri, and put into his hands as a deputy Sheriff of that county. No official communication of the arrest of Mr. Linder, or the circumstances which gave rise to it, had been made to me, and the rumor of the collision had passed away under the impression on my part, and that of the Judge and Prosecuting Attorney of the Judicial District, that it had been a mere personal collision between individuals, of which it would be the best course to take no notice; but at the commencement of the term of the territorial District Court in Davis county, last Monday, Mr. Preston Mullinix and Mr. Wm. P. Linder (the individual convicted) presented themselves in discharge of recognizances into which they had entered, and demanded to be tried. The case of Mr. Mullinix was postponed until the next term, and upon his refusal to give his individual recognizance for his appearance at the next term of the court, he was of necessity ordered to be committed to prison. Mr. Linder having urged an immediate trial, was indulged in it, and the result was, as I have stated, the effects of which I have hastened to prevent, so far as he is concerned, by extending to him an unconditional pardon. I have also pardoned Mr. Mullinix the offence imputed to him and ordered him to be released from custody.

Your Excellency will, I feel confident, unite with me in deeply regretting the effects of the unfortunate conflict of jurisdiction, which has given rise to these prosecutions, and will see the unpleasant predicament in which the territorial authorities are placed, without power to adjust the dispute, and yet bound to maintain jurisdiction over the limits assigned them by the General Government, or be considered unfaithful to their trust. You will observe that by thus presenting the subject, I intentionally avoid any discussion of the question of boundary—it would be useless for us to discuss that question, while Iowa remains without power to adjust it, or enter into any arrangement by which it can be judicially settled; and here it is proper that I should inform you, that it is well understood here, though not yet officially ascertained, that the people have, at their election held on the first Monday in this month, refused to accept the Constitution prepared for them by their Convention. Thus circumstanced, the territorial authorities can exercise no control over this difficult controversy, and it must for the present remain between the United States Government, and that of Missouri. Your Excellency will, therefore, I hope, pardon me for

suggesting the propriety of an application from the State authorities of Missouri to Congress, for permission to litigate the subject of boundary, either with the Territorial Government, or directly with that of the United States. Such an application would, I have no doubt, be seconded by the Legislative Assembly of this Territory, and the embarrassments created by this vexed question be thus gotten rid of.

I had hoped that the act of Congress, entitled "An act respecting the northern boundary of the State of Missouri," approved June 17th, '44, might have led to a speedy and amicable adjustment of this dispute, but I have been favored with your Excellency's objections to the bill passed by the Senate and House of Representatives of your State, giving her consent to the manner of adjustment proposed by the act of Congress, and have therefore taken the liberty to suggest another mode, or rather an application to Congress to authorize another mode of adjustment. In the meantime, I have entire confidence that your Excellency will unite with me in using every practicable means of preventing any further collision between the authorities of your State and those of this Territory, until the existing difficulty can be removed.

I have the honor to be

Your Excellency's ob't servant,

JOHN CHAMBERS.

His Excellency

JOHN C. EDWARDS, Gov. of Missouri.